

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ADREANNA JOY PACINI,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:20-cv-01009-HBK

ORDER GRANTING PLAINTIFF'S
STIPULATED MOTION FOR ATTORNEY'S
FEES AND COSTS UNDER THE EQUAL
ACCESS TO JUSTICE ACT

(Doc. No. 20)

Pending before the Court is Plaintiff's stipulated motion for attorney fees filed August 11, 2021. (Doc. No. 20). Plaintiff seeks attorney's fees in the amount of \$1,803.00 under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (*Id.*). Plaintiff is not seeking reimbursement for costs. (*Id.* at 1).

On June 9, 2021, this Court granted the parties' Stipulation for Voluntary Remand pursuant to Sentence Four of 42 U.S.C. § 405(g) and reversed and remanded the case to the Commissioner for further administrative proceedings. (Doc. No. 18). The Clerk entered judgment in favor of Plaintiff the same day. (Doc. No. 19). Plaintiff, the prevailing party, now requests an award of fees. *See* 28 U.S.C. § 2412(a) & (d)(1)(A); Fed. R. Civ. P. 54(d)(1); *see* 28 U.S.C. § 1920; *cf.* *Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993) (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party).

The Commissioner stipulates to the requested relief. (*See* Doc. No. 20). After issuance of

1 an order awarding EAJA fees and costs, however, the United States Department of the Treasury
2 will determine whether Plaintiff owes a debt to the government. (*Id.* at 2 ¶¶ 7-10). If Plaintiff has
3 no discernable federal debt, the government will accept Plaintiff's assignment of EAJA fees and
4 pay the fees directly to Plaintiff's counsel. (*Id.* ¶¶ 9-13).

5 Accordingly, it is **ORDERED**:

6 1. Plaintiff's stipulated motion for attorney's fees (Doc. No. 20) is **GRANTED**.

7 2. Plaintiff is awarded fees in the amount of \$1,803.00 (one thousand eight hundred and
8 three dollars). Unless the Department of Treasury determines Plaintiff owes a federal debt, the
9 government must pay the fees to Plaintiff's counsel in accordance with Plaintiff's assignment of
10 fees and subject to the terms of the stipulated motion.

11
12 Dated: August 12, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE